

UNITED STATES DISTRICT COURT, DISTRICT OF NEW MEXICO

SENTENCING MINUTE SHEET

CR No.	05-1849 JH			USA vs.	Kirwin		
Date:	August 21, 2008			Name of Deft:	Melania Kirwin		
Before the Honorable				Judith C. Herrera			
Time In/Out:	10:51 am -11:11 am. (20 minutes)			Type of Proceeding:	Sentencing - Non Evidentiary		
Clerk:	I. Duran			Court Reporter:	P. Baca		
AUSA:	James Braun			Defendant's Counsel:	John Samore		
Sentencing in:	Albuquerque, New Mexico			Interpreter:	None		
Probation Officer:	Mindy Pirkovic			Sworn?	<input type="checkbox"/>	Yes	<input type="checkbox"/> No
Convicted on:	<input checked="" type="checkbox"/>	Plea	<input type="checkbox"/>	Verdict	As to:	<input type="checkbox"/> Information	<input checked="" type="checkbox"/> Superceding Indictment
If Plea:	<input checked="" type="checkbox"/>	Accepted	<input type="checkbox"/>	Not Accepted	Adjudged/Found Guilty on Counts:		
Date of Plea/Verdict:	February 22, 2007			PSR:	<input checked="" type="checkbox"/>	Not Disputed	<input type="checkbox"/> Disputed
PSR:	<input checked="" type="checkbox"/>	Court Adopts PSR Findings			Evidentiary Hearing:	<input checked="" type="checkbox"/>	Not Needed <input type="checkbox"/> Needed
Exceptions to PSR:							
SENTENCE IMPOSED				Imprisonment (BOP): 12 months + 1 day			
Supervised Release:	3 years			Probation:			500-Hour Drug Program
SPECIAL CONDITIONS OF SUPERVISION							
<input type="checkbox"/>	No re-entry without legal authorization			<input type="checkbox"/>	Home confinement for _____ months _____ days		
<input type="checkbox"/>	Comply with ICE laws and regulations			<input type="checkbox"/>	Community service for _____ months _____ days		
<input type="checkbox"/>	ICE to begin removal immediately or during sentence			<input type="checkbox"/>	Reside halfway house _____ months _____ days		
<input checked="" type="checkbox"/>	Participate in substance abuse program/drug testing			<input type="checkbox"/>	Register as sex offender		
<input type="checkbox"/>	Participate in mental health program			<input type="checkbox"/>	Participate in sex offender treatment program		
<input checked="" type="checkbox"/>	No alcohol/liquor establishments			<input type="checkbox"/>	Possess no sexual material		
<input checked="" type="checkbox"/>	Submit to search of person/property			<input type="checkbox"/>	No computer with access to online services		
<input checked="" type="checkbox"/>	No contact with co-Deft(s)			<input type="checkbox"/>	No contact with children under 18 years		
<input type="checkbox"/>	No entering, or loitering near, victim's residence			<input type="checkbox"/>	No volunteering where children supervised		
<input type="checkbox"/>	Provide financial information			<input type="checkbox"/>	Restricted from occupation with access to children		
<input type="checkbox"/>	Grant limited waiver of confidentiality			<input type="checkbox"/>	No loitering within 100 feet of school yards		
<input checked="" type="checkbox"/>	OTHER: Standard Conditions: Submit to DNA collection & No firearms						
Fine:	\$	0			Restitution:	\$	
SPA:	\$	100 (\$100 as to each Count)			Payment Schedule:	<input checked="" type="checkbox"/>	Due Immediately <input type="checkbox"/> Waived
OTHER:	Deft forfeits his rights, title & interest.						
<input type="checkbox"/>	Advised of Right to Appeal		<input checked="" type="checkbox"/>	Waived Appeal Rights per Plea Agreement			
<input type="checkbox"/>	Held in Custody		<input checked="" type="checkbox"/>	Voluntary Surrender within 60 days			
<input checked="" type="checkbox"/>	Recommended place(s) of incarceration:			New Mexico (Sandoval County or closest facility to NM to be close to her family)			
<input type="checkbox"/>	Dismissed Counts:						

OTHER COMMENTS	<p>Ct. reviewed PSR & a number of letters stated on the record. Defense counsel addresses Ct. & has no objections to PSR. Ct. notes deft's guilty plea was accepted by the Magistrate Judge & Ct. will accept plea agreement. Defense asks for incarceration in or near New Mexico & asks the Ct. to allow boyfriend Gerald Peralta address the Ct. Govt. defers to the Ct. Gerald Peralta addresses Ct. Deft addresses Ct. Defense counsel re-addresses Ct. & asks for recommendation in Phoenix, AZ & asks for a 60 day voluntary surrender. Govt. addresses Ct. Probation makes no comment. Ct. holds bench conference w/Probation.. Ct. adopts PSR, considers sentencing guidelines & notes that deft meets criteria under 3553. Ct. imposes sentence.</p>
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